

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Factories Act, 1948, Andhra Pradesh Factories Rules, 1950 - Non-compliance of provisions by the Dr.NTTPS, Ibrahimpatnam, Krishna District Fatal Accident to Sri.Pamarthi Venkateswara Rao, Junior Plant Attendant - Withdrawal orders - Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB.II) DEPARTMENT

G.O.Rt.No. 1013

Dt.18.06.2011
Read the following:

1. G.O.Rt.No.60, LET & F (Lab.II) Department, dt.17.01.2011.
2. From the DOF, A.P. Hyderabad, Lr.No.B1/4032/2011, dt.31.05.2011.

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ORDER:-

The Director of Factories, A.P. Hyderabad, in his letter 2nd read above has informed that the Managing Director, APGENCO, Hyderabad has requested for withdrawal of the case filed against them for contravention of Section 7 A (1) (2) read with Section 41 and Rule 61 F (3) of Factories Act, 1948 and rules made there under. He has reported that a fatal accident occurred on 11.11.2008 to Sri Pamarthi Venkateswara Rao, Junior Plant Attendant while carrying out the work of replacing skirt rubber at conveyor-11 tail end chute, when he was dragged and crushed between the said conveyor-11 tail end chute and conveyor belt. The accident occurred due to failure of the management to ensure that power supply to the said conveyor is cut off to prevent the conveyor from running while maintenance work is being carried on and also due to non implementation of appropriate work permit system.

2. After enquiry into the said accident by the Deputy Chief Inspector of Factories, Vijayawada on 12.11.2008, a Show cause notice was issued by him to the Occupier and Manager of the said factory for contraventions of Section 7 A (1) (2) read with Section 41 and Rule 61 F (3) of the Factories Act, 1948 and Rules made there under. A reply was received from the Occupier and Manager of the factory which was found not satisfactory. Since, the fatal accident was occurred in the maintenance works which is part of the regular process, prosecution was launched against the occupier and manager and charge sheets were filed in the Hon'ble Court of the IV CMM, Vijayawada. The case is numbered as C.C.No.702/2010 and posted for examination of the accused on 6.6.2011.

3. The Director of Factories has stated that the Managing Director, Andhra Pradesh Power Generation Corporation Limited has informed that the Departmental Enquiry Committee with two members was constituted and stated that based on the report of the Committee, they have transferred the concerned two officers for their failure in preventing the said accident. He further informed that disciplinary action was also initiated against them and punishment by way of stoppage of one increment without cumulative effect was awarded to both the Engineers. He has also stated that certain corrective measures have been taken to avoid recurrence of similar accidents. He also stated that the Management have paid an amount of Rs.3,00,000/- as exgratia to the dependents of the deceased workers in addition to the Rs.8,48,403/- to which the dependents are eligible under WC Act, Gratuity, etc.(total:11,48,403/). The Director of Factories has also informed that the spouse of the deceased employee was also appointed by

APGENCO on 3-2-2009 as Office Subordinate in the time scale of pay of Rs.5080-100-5580-150-6330-195-7305-240-6265.

4. In view of the subsequent remedial measures taken and considering the financial assistants provided to the dependents of deceased worker the Management has requested to withdraw the case filed against them.

5. The Director of Factories has requested the Government to issue necessary orders in the matter.

6. The Government, after careful examination of the matter, hereby direct the Director of Factories to withdraw the prosecution case filed against "Dr.NTTPS, Ibrahimpatnam, Krishna District", immediately, subject to obtaining the undertaking from the Principal Employer (Managing Director, ANDHRA PRADESH POWER GENERATION CORPORATION LIMITED) the responsibility of ensuring safety and health / engineering norms of the work force as per rule book and in conformity with factories Act & provision.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.SREENIVASULU
SECRETARY TO GOVERNMENT

To

The Director of Factories, A.P. Hyderabad.

Copy to:

The Managing Director, APGENCO, Vidyut Soudha, Khairatabad, Hyderabad.

OSD to M(LET & ITIs) Department.

P.S. to Secretary, LET & F Department.

P.A. to Joint Secretary, LET & F Department.

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER